

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ILIO'ULAOKALANI COALITION,	)	CIVIL NO.04-00502 DAE BMK
a Hawai'i, nonprofit corporation;	)	
NA IMI PONO, a Hawaii	)	DECLARATION OF James J. Lovelace
unincorporated association; and	)	
KIPUKA, a Hawai'i unincorporated	)	
association,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
DONALD H. RUMSFELD, Secretary of	)	
United States Department of	)	Hearing:
Defense; and LES BROWNLEE, Acting	)	
Secretary of the United States	)	Date: November 20, 2006
Department of the Army,	)	Time: 9:45
	)	Judge: Hon. David A. Ezra
Defendants.	)	
	)	

On Appeal From the United States District Court for the District of Hawaii  
(Civil No. 04-00502 DAE BMK)

I, Lieutenant General James J. Lovelace hereby declare that:

1. I am currently the Deputy Chief of Staff, G-3/5/7 (Operations and Plans), United States Army. I am responsible to ensure the Army is organized, trained, equipped and ready to conduct prompt and sustained military operations in the field during time of war. The Army's statutory mission is to preserve the peace and security of the United States, support national policies, implement national objectives, and overcome any nations responsible for aggressive acts that imperil peace. It is my professional judgment, based on 36 years of operational military experience, that delaying the transformation of the 2<sup>nd</sup> Brigade, 25<sup>th</sup> Infantry Division (hereafter "2<sup>nd</sup> Brigade") to the 5<sup>th</sup> Stryker Brigade Combat Team (hereafter "SBCT 5") would immediately disrupt the Army's statutory

authority to conduct a Long War on Terror, degrade the ability of commanders to conduct military operations in the field during wartime, and reduce the Army's capability to deter conflict and respond to crisis situations in the Pacific region, including the Republic of Korea.

2. Before my current assignment, I served as the Director of the Army Staff and the Commander of the United States Army Alaska. I completed a master's degree in physical education from Indiana University, a master's degree in management from Salve Regina College, and a master's degree in national security from the U.S. Naval War College.

3. The Nation is at war. The Army is fully engaged fighting the Long War on Terror and meeting our global commitments. Currently, over 249,000 American soldiers are deployed in 120 countries conducting continuous operations in support of national strategic objectives. Demonstrating the magnitude of this national commitment, active component brigade combat teams deploy to conduct combat operations in Iraq and Afghanistan at a rate of one year deployed for one year training at home station. This accelerated pace of deployment is one full year faster than the Army's policy goal of one year deployed for two years training at home station. All of the Army's operational brigades are deployed conducting combat operations, are preparing for their next deployment as rapidly as possible, or are forward positioned to deter conflict in critical regions. Some brigades are now on their third, year-long combat tour. With only 42 brigades in the active component, there are no idle brigades in the active Army. The transformation, readiness and availability of every single active Army brigade during wartime is a matter of vital national importance personally reviewed by the Secretary of

Defense. Currently under great stress because of high operational demands, the Army cannot afford to delay the transformation and readiness of a single brigade, including the 2<sup>nd</sup> Brigade. If SBCT 5 is not available to deploy when required, then every other brigade in the Army would have to deploy sooner. This accelerated deployment would further reduce unit training time, significantly increase the risk of American casualties, and decrease unit mission effectiveness in combat—for every brigade in the Army.

4. Army transformation increases the capabilities of soldiers and units in wartime. The purpose of transformation is to provide more effective and ready forces to conduct combat operations, meet current and future global commitments, and preserve the quality of the All Volunteer Force in this time of persistent conflict. The center-piece of Army transformation is the creation of modular, combined arms, maneuver brigade combat teams of roughly 3,500 soldiers. This national strategic decision was approved and directed by the President of the United States. The Army will transform all of its brigade combat teams to modular organizational design. To date, the Army has completely transformed 31 out of 70 brigades. No light infantry brigade like 2<sup>nd</sup> Brigade's previous configuration will remain in the Army because, lacking the organic support and sustainment capabilities necessary to conduct operations in combat today as part of a modular expeditionary force, such brigades would be obsolete. The transformed modular brigades are more effective, more flexible, more lethal, more survivable more sustainable, and have better battle command and intelligence capabilities than the previous brigades they replace. The SBCT in particular is more deployable and sustainable than a heavy armored brigade, but also more lethal, mobile, survivable than a light infantry brigade. The SBCT is optimized to conduct early-entry combat operations

immediately upon arrival in the area of operations. The SBCT improves the protection and survivability of soldiers to accomplish their mission in wartime and return safely to their families. Currently, there are only four fully transformed SBCTs in the Army available to provide combatant commanders with these critical capabilities. Once fully manned, equipped and trained, the 2<sup>nd</sup> Brigade will be the 5<sup>th</sup> SBCT. In order to protect soldiers and meet urgent demands by combatant commanders for this unique SBCT capability, the transformation of 2<sup>nd</sup> Brigade must be completed as rapidly as possible to support their wartime missions.

5. Operational tests, independent analysis and combat experience in Iraq have shown that transforming the 2<sup>nd</sup> Brigade to a SBCT will significantly increase its capability to conduct combat operations successfully with reduced American casualties. A defense study concluded the SBCT is significantly more informed, responsive, mobile, lethal and survivable than a light infantry brigade like 2<sup>nd</sup> Brigade. The SBCT has the ability to assess complex situations and act faster, change missions easier, move quicker, and attack more precisely. The capabilities of the SBCT are essential to conduct successful combat operations in Iraq, deter conflict in the Pacific region, respond promptly to humanitarian crises, and protect civilians and our own soldiers.

6. The Army's statutory responsibility is to prepare land forces necessary for the prosecution of war. The Army must organize, train, equip, source, mobilize and deploy on time those forces such as 2nd Brigade to support military commanders in the field. Commanders responsible for the conduct of combat operations in the field have the statutory authority to request military forces through Joint Forces Command to the Army to meet specific mission requirements. The combatant commanders of the United States



Central Command, United States European Command and United States Pacific Command have submitted formal requirements for SBCT capability in their areas of responsibility. The Army is obligated to respond to these requests by providing the SBCTs required to meet the commander's needs.

7. To meet its statutory responsibilities, the Army requires 2<sup>nd</sup> Brigade to complete transformation to SBCT 5 by November 2007 and be available to deploy to conduct combat or contingency operations. SBCT 5 will deploy to Iraq. The Army needs the unique capabilities of the 5<sup>th</sup> SBCT as soon as possible. Non-SBCT units are not acceptable substitutes and there are not enough SBCTs available for the specific combat and contingency requirements of the Army. There is not a suitable alternative location to complete the transformation of 2<sup>nd</sup> Brigade on schedule. Moving 2<sup>nd</sup> Brigade to complete transformation to SBCT 5 at another location will delay its availability to conduct operations. Any delay of 2<sup>nd</sup> Brigade's transformation to SBCT 5 will result in immediate and significant adverse impacts on the Army's ability to exercise its statutory authority and provide ready forces to meet the requirements of military commanders in the field.

8. First, delaying 2<sup>nd</sup> Brigade transformation to SBCT 5 would reduce the Army's posture to deter war and meet the wide range strategic commitments in the Pacific area of responsibility. Admiral William J. Fallon, the combatant commander of the United States Pacific Command, requires 2<sup>nd</sup> Brigade to transform in Hawaii on time to meet mission requirements assigned by the Secretary of Defense. The recent North Korean nuclear test and increasingly bellicose threats punctuate the strategic requirement to have flexible and highly deployable units like SBCT 5 available in the Pacific region. The

requirements to deter conflict in the Taiwan straits and conduct foreign humanitarian assistance are other examples that require SBCT capability. The Army reoriented on the Pacific region in accordance with the National Security Strategy, the National Military Strategy and the Defense Planning Guidance. Five SBCTs are strategically positioned in Hawaii, Alaska and Washington to provide the synergistic rotational base of ready capability to conduct combat operations in Iraq and still deter war and respond rapidly to crisis situations in the Pacific region. In particular, the United States Pacific Command requires 2<sup>nd</sup> Brigade to transform to SBCT 5 and remain stationed in Hawaii for several reasons. The SBCT located in Hawaii is strategically positioned to deploy to the four critical areas identified in the National Defense Strategy: Northeast Asia, the East Asian littoral, Southwest Asia and the Middle East. Co-locating the SBCT in Hawaii with the resident air and sea-lift capabilities supports deployment as rapidly as possible. Co-locating the SBCT in Hawaii with Naval, Air Force and Marine units significantly improves opportunities for essential Joint training. Finally, transforming 2<sup>nd</sup> Brigade to SBCT 5 in Hawaii significantly improves the previous light brigade's capabilities to meet current and future requirements for greater mobility, lethality and survivability. If the transformation of 2<sup>nd</sup> Brigade were delayed or prevented in Hawaii, this would significantly diminish the Army's ability to provide commanders in the field with ready forces to deter conflict and meet treaty obligations in the Pacific region, including the Republic of Korea.

9. Second, delaying 2<sup>nd</sup> Brigade transformation to SBCT 5 would reduce the Army's ability to provide forces to conduct combat operations in Iraq. General George Casey, the military commander of the Multi-National Force Iraq, continues to submit formal

requests for forces to include SBCTs as part of the ongoing and continuous requirements in his theater of operations. General Casey will not accept a light infantry brigade as a substitute for the SBCT requirement in Iraq because the light infantry brigade lacks critical capabilities. The increased survivability offered by Stryker vehicles protect our soldiers against enemy snipers and roadside bombs. The increased lethality, mobility and battle command capabilities in the SBCT allow the unit to conduct operations in an area the size of Delaware, an area that was formerly occupied by an entire Army division consisting of three brigades. Because of its speed and agility, General Casey directed the SBCT in Mosul to send forces to support the 1<sup>st</sup> Armored Division conducting combat operations in Al Kut, 300 miles south of the SBCT's location. The SBCT moved within hours and successfully accomplished the mission, protecting Iraqi civilians and defeating the Mahdi Army. No other type of unit, especially a light infantry brigade, could have accomplished this mission with the same speed. In another example within the last month, General Casey assigned to a SBCT the priority mission to increase security in Baghdad and reduce the level of sectarian violence and terrorist attacks. The Army must provide the forces to meet the current SBCT requirement in Iraq and deploy additional SBCTs if and when they are required by General Casey.

10. Third, a delay in 2<sup>nd</sup> Brigade transformation now would disrupt the Army's closely integrated transformation and deployment schedules, which would in turn deny military commanders in the field the required combat and deterrent forces with increased capabilities. Detailed transformation schedules are planned years in advance and timed to achieve operational capability as soon as possible for the entire Army. These schedules are critical planning tools to provide the right mix and number of forces to



conduct combat operations in the field and serve as a deterrent force in critical regions such as the Korean peninsula. SBCT transformation is an extremely complex action that requires approximately two years of intensive work by thousands of soldiers, civilians and contractors. In accordance with the 2002 Defense Planning Guidance, the Army began funding the transformation of 2<sup>nd</sup> Brigade three years before its start date. The Army has already spent over \$80 million to provide the necessary infrastructure and facilities in Hawaii required for transformation. 2nd Brigade is now 12 months into the transformation and training to become SBCT 5. It no longer exists as a light infantry brigade. Its ranks are filled with soldiers with skills tailored to those required in a SBCT. Its weapons, vehicles and communications equipment are those required for a SBCT. Even now, 2<sup>nd</sup> Brigade has real time combat and deterrent missions, such as supporting Operation Enduring Freedom in the Philippines. To stop transformation now, even for a matter of weeks, would deny the 2<sup>nd</sup> Brigade Commander the power and ability to complete transformation on schedule and train to fulfill his assigned operational missions.

11. Fourth, a delay in 2<sup>nd</sup> Brigade's transformation will delay the transformation of other units. As SBCT 5 completes transformation, the specialized trainers and contractors associated with actual transformation then go to perform the same mission with other units in place. The ripple effects caused by delaying the completion of 2<sup>nd</sup> Brigade's transformation in place would disrupt allocation of these soldiers, contractors and equipment to transform other units on schedule to meet wartime requirements. For example, because combatant commanders require SBCT capability, the Congress appropriated additional funding and directed the Army to submit plans to field a seventh SBCT. The Secretary of the Army and Chief of Staff of the Army directed the fielding of



SBCT 7 at Fort Lewis, Washington, as soon as possible to meet the urgent demand for SBCT capability. A delay in transforming SBCT 5 would delay the transformation of SBCT 7 because the necessary resources for this complex action would be delayed by the ripple effect described above. This delay would further hinder the ability of the Army to provide required forces to commanders in the field to execute their combat and contingency missions.

12. Fifth, there are no suitable alternative locations to transform 2<sup>nd</sup> Brigade outside Hawaii that will allow the Army to field SBCT 5 in time to meet its required availability date in November 2007. The Department of Defense's Integrated Global Position and Basing Strategy (IGPBS) and the Base Realignment and Closure Commission (BRAC) will significantly increase the number of active component brigades stationed in the United States from 26 to 39 brigades. Given these approved plans and laws, there is no brigade-size excess capacity for Army housing, training areas and installation facilities available in the United States. If 2<sup>nd</sup> Brigade is required to relocate, the competing requirements for housing, training areas and facilities at other installations will delay 2<sup>nd</sup> Brigade's transformation. The increased competition for scarce resources at other locations will compromise unit training during wartime, jeopardize soldiers' lives, and cause undue hardship to soldiers and their families. For example, SBCT 3 will return from Iraq to Alaska before 2<sup>nd</sup> Brigade would complete its transformation and there are insufficient housing, training areas and facilities to accommodate the unit overlap. Similarly, with the impending activation of SBCT 7 at Fort Lewis, Washington, there are insufficient housing, training areas and facilities to accommodate the overlap with 2<sup>nd</sup> Brigade. Furthermore, transforming 2<sup>nd</sup> Brigade at another location would impose

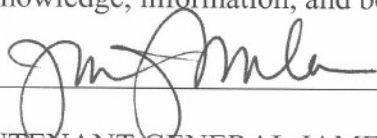
tremendous hardship on the soldiers and families of 2<sup>nd</sup> Brigade, who have already endured a year-long deployment in Iraq. Transforming 2<sup>nd</sup> Brigade under these circumstances would require the soldiers and families to endure additional months of separation during transformation. This separation would be followed by another 12 month deployment in Iraq. These factors would adversely affect command authority, good order and discipline by creating morale and family problems that will undermine the individual soldier's mental discipline and erode unit effectiveness. The unexpected absences and associated family pressures make distracted and demoralized soldiers. Distracted soldiers imperil themselves and others. Knowing they will return to combat, over 1,000 soldiers have nevertheless re-enlisted to stay in the Army on the condition that they will serve in the SBCT in Hawaii. If 2<sup>nd</sup> Brigade cannot complete transformation, the Army would have to reassign these soldiers to another unit, which violates their enlistment contracts and threatens the loss of combat veterans urgently needed in the All Volunteer Force to win the war.

13. Sixth, moving 2nd Brigade to another location will cause transportation delays that will prevent 2nd Brigade from completing its transformation on time to meet its required availability date in November 2007. The vast resources for this complex action are planned and prepared years in advance. The Army has already made significant investments in Hawaii to prepare for 2<sup>nd</sup> Brigade's transformation. These resources and investments cannot be easily diverted, especially 12 months into transforming the 2<sup>nd</sup> Brigade. Given the competing transportation requirements to support global operations including Afghanistan and Iraq, it is not logistically possible to divert all of the air and

sea resources necessary to move 2nd Brigade and its associated equipment and supporting personnel to complete transformation on schedule at another location.

14. Rapid fielding of SBCT 5 in Hawaii is critical to meet the requirements of commanders prosecuting the war in Iraq and those commanders responsible to deter war and respond to contingencies in the Pacific region. Delay of 2<sup>nd</sup> Brigade's transformation will deprive commanders of the forces they desperately need and frustrate the Army's ability to meet its statutory responsibility during wartime. The only way to ensure that SBCT 5 is fielded on time is to complete the transformation of 2<sup>nd</sup> Brigade in Hawaii.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



LIEUTENANT GENERAL JAMES J. LOVELACE

10 NOV 2006

Date